REMARKS

Careful consideration has been given by the applicant to the Examiner's comments and rejection of various of the claims, as set forth in the outstanding Office Action, and favorable reconsideration and allowance of the application, as amended, is earnestly solicited.

With regard to the formal matters, as set forth in the Office Action, applicant has amended drawing Figure 1 as indicated on the enclosed Replacement and Annotated Sheets, wherein the missing reference numeral --39-- has been added, thereby meeting the Examiner's requirement in that regard.

Similarly, with regard to the claim objections in that improper multiple dependencies are employed with regard to Claims 6-14, appropriate amendatory action has been taken to eliminate undue multiple dependencies throughout the claims, thereby meeting the requirements of MPEP §608.01(n).

Applicant further notes the Examiner rejection of Claims 2, 4 and 5 under 35 U.S.C. §112, second paragraph, for improper antecedent terminology, and appropriate amendatory action has also been taken in that regard, thereby addressing the Examiners comments and meeting the Examiner's requirements, as set forth in Paragraphs 4 and 5 of the outstanding Office Action.

Moreover, applicant notes the rejection of Claims 1-5 under 35 U.S.C. §103(a) as being unpatentable over Stangl, et al. German Application No. DE 4329164; that publication being commonly assigned to the present application and the U.S. counterpart thereof being U.S. Patent No. 6,311,489 B1; in view of Krebs, 4,810,171, as detailed in the Office Action, the latter U.S. patent also being commonly assigned to the present assignee.

However, in order to clearly and unambiguously patentably distinguish over the art, as represented by applicant's own earlier publications, Claim 1, in particular, has been amended so as to constructively and functionally distinguish over the art, irrespective as to whether the latter is considered singly or in combination.

Concerning both the Stangl, et al. and the Krebs publications, these actually disclose a regulatory device for a pump with adjustable delivery volume, including a control valve unit intended to regulate a control pressure acting in a control pressure chamber of an actuator, as disclosed in Figures 1b, 2b and 3b of Stangl, et al.; and Figures 1 and 4 of Krebs. Moreover, these publications also disclose utilization of at least one control valve subjected to the pressure of a deliver-side working line. Both disclose valves which are pressurized by the full working pressure from the working line (Strangl, et al.: Figure 1B (101, 45, 28b, 2, 4); Figure 3B (101 45 28b, 53, 28a, 2, 4, 3, 5); Figure 2B (101, 45, 28b, 2, 4); Krebs: Figure 1 (21, 38, 15, 16, 18)).

However, neither of these earlier publications of the present assignee disclose the pressurization or supply of a control valve by an adjustably modulated working line pressure which is modulated by a variable threshold value control valve instead of constantly only by means of the full working line pressure. This latter feature is disclosed in the present application and shown in Figure 1, references numerals 7, 18, 22, 27, 36, 37 and 39; and described in the disclosure on Page 4, Lines 22-33; on Page 9, Lines 2-25; and on Page 10, Lines 15-31.

Neither of the publications cited by the Examiner disclose a regulatory device for a pump with an adjustable delivery volume, which maintains an adjustable minimum working pressure in a working line, irrespective of the consumer input pressure, as described in the present specification on Page 4, Lines 14-17. Thus, Stangl, et al. and Krebs are both subject to the

drawback that no adjustable minimum working pressure is maintained, irrespective of a consumer input pressure.

Consequently, in order to overcome the particular limitations set forth in the prior art, it is the object of the present invention, as set forth in the amended claims, to provide an apparatus which can maintain an adjustable minimum working pressure in a working line, irrespective of the consumer input pressure, as described in the specification at Page 4, Lines 14-17.

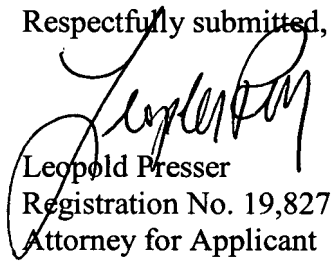
Accordingly, pursuant to the presently submitted Amendment, the following aspects can be considered as being novel and patentably distinct over the art:

The subject matter of newly amended Claim 1 is an apparatus providing pressurization or supply of a delivery flow control valve (23) by an adjustably modulated working line pressure (See Figure 1, 30) modulated by an upstream variable threshold value control valve (23) *instead* of a pressurization of a delivery flow control valve by unalterably the full working line pressure. This regulatory device, according to the invention, has the advantage that different input pressures are used to control a first and a second control valve, which together constitute the regulatory unit. By dividing the task between a threshold value control valve and a delivery flow control valve, it is possible to define a first control range in which above a limit value of the working pressure defined by the threshold control valve a constant de3livery quantity of the pump can be set by the delivery flow control valve by diminishing the delivery volume of the hydrostatic piston machine through the use of an actuator, if necessary. The delivery flow control valve regulates the constant delivery quantity as a function of the consumer input pressure and a pressure present at a measurement surface, where the pressure present is the output pressure from the threshold value control valve. This prevents, in the case of a

diminishing consumer input pressure, the control pressure chamber of an actuator being pressurized by the delivery flow control valve until the delivery volume of the hydrostatic piston machine is set at zero (Page 4, Line 22 to Page 5, Line 8; Figure 1, 21, 4, 5; new Claim 1). In view of the foregoing, a minimum pressure generated by the variable pump is thus maintained at any time.

Inasmuch as the foregoing distinctions over the art have now been clearly incorporated into and emphasized in the amended claims, and in view of the applicant implementing formal amendments to the application, which fully meet all of the Examiner's formal grounds of objection, the application is deemed to be in condition for allowance and the early and favorable reconsideration of the application and issuance of the Notice of Allowance by the Examiner is earnestly solicited. However, in the event that the Examiner has any queries concerning the instantly submitted Amendment, applicant's attorney respectfully requests that he be accorded the courtesy of possibly a telephone conference to discuss any matters in need of attention.

Respectfully submitted,



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Enclosures: One Annotated Sheet and One Replacement Sheet for amending Figure 1.